

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 5th day of February, 2007 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Frank Hametner Mayor  
Tommy Knight Mayor Pro Tempore  
Grace Chapa, Council Member  
Jay Attaway, Council Member  
Vickie Abrego, Council Member

ABSENT: None

ADMINISTRATIVE PERSONNEL PRESENT: Mike Sullinger, Interim City Manager  
Allen Lawrence, City Attorney  
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT: None

STAFF PRESENT: Darren Gurley, Public Works Director  
Frank Truitt, City Inspector  
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Ralph & Lu Arcemont, Ann P. Milton, Sami L. Shirley, Juan & Leslie Torres, Lou McClees, Donald & Jeanie Brummett, Rev. Stephen Longoria, Don & Bunny Williams, Jerry House, Peggy Spencer, Jim & Alpha Covington, Ed Redmond, J.W. Peer, Jim Garner, Patty Gilden, Rosemary Upton, Rudy Abrego, Colleen Abshire, Darlene & Gary Boehnke, Elizabeth & Harlan Roberts, Adan Chapa, Richard Gonzales, Eva Young, Ivah Mircovich, Belinda Ritz

(There may have been others present who did not sign in.)

**ITEM 1. CALL MEETING TO ORDER.**

Mayor Hametner called the meeting to order at 7:00 p.m. on February 5, 2007.

**ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG.**

Council Member Abrego gave the Invocation.

Council Member Chapa led the Pledge of Allegiance to the United States Flag and the Texas Flag.

**ITEM 3. CITIZEN'S COMMENTS.**

Mr. Gary Boehnke stated there had been another near accident in front of his business at S. Commercial Street and Yoakum. He asked that the City consider contacting the State for the purpose of installing a traffic light at that intersection.

**ITEM 4. CONSENT AGENDA – “All of the Following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately”.**

- A. Approval of Minutes of January 15, 2007.
- B. Consider and Act on Approval of Ordinance 2007-3912 Request of Mr. Phil Williams for a Conditional Use Permit to move a building on the site and operate a used car lot on Lots 1-3, Block 6, Fricks Addition, 1100 block of S. Commercial
- C. Consider and Act on resignation of Ms. Sherri Tringali from the Aransas Pass Municipal Development District Board.
- D. Consider and Act on appointing Mr. Harlan Roberts to the Coast Bend Council of Governments (COG) as the City’s liaison.

Council Member Chapa stated she wanted to discuss and consider Item D separately.

Council Member Attaway made the motion to approve Items A, B, and C. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

Council Member Chapa asked did the City go out for applications for appointment to the COG or how does someone get appointed?

Mayor Hametner stated the City Manager had talked to several people that might consider the appointment and Mr. Roberts volunteered.

Council Member Attaway stated Ms. Sami Shirley had been the City's representative but resigned several months ago and the City had not had anyone on the COG Board since then.

Council Member Chapa stated the former City Manager was appointed to COG.

The City Manager stated he felt the City Manager should attend the COG meetings also and maybe the new City Manager will want to attend the meetings. He stated he appreciated Mr. Roberts volunteering and was sure Mr. Roberts would do a good job.

Council Member Chapa asked was there anyone with the City (that would attend COG meetings)?

The City Manager stated he did not know of anyone, except Mr. Roberts, as it was hard to find anyone to attend the meetings in Corpus Christi.

Council Member Attaway made the motion to appoint Mr. Harlan Roberts to act as the City's liaison to the COG. Mayor Pro Tempore Knight seconded the motion and the motion carried 4 to 1 with Mayor Hametner, Mayor Pro Tempore Knight, Council Members Attaway and Abrego voting yes and Council Member Chapa voting no.

**ITEM 5.        CONSIDER AND ACT ON REQUEST OF MR. STEPHEN LONGORIA, YOUTH PASTOR OF WORD OF GOD CHURCH, TO USE THE SHRIMPOREE GROUNDS, THE SHRIMPOREE PORTABLE STAGE AND ASSISTANCE THE CITY CAN PROVIDE MARCH 17, 2007.**

Mr. Stephen Longoria requested the use of the Shrimporee grounds for a Christian concert so young people would have a controlled environment in which to enjoy spring break. He stated he would like to also do it in the future if he could get needed sponsorship. He would also need a stage and as he understood it, the Chamber of Commerce rented the stages for the Shrimporee so they did not have a stage to lend to him. He stated the his group would run the electricity, put out trash cans and clean the grounds after the event.

The City Manager stated he would like Mr. Longoria to come back to Council with more detail on his plans. He stated he did not know if Mr. Longoria would have security and be able to clean the grounds.

Mr. Jimmie Peer stated he would donate the Port-a-Potties for the event.

Council Member Attaway stated during the Shrimporee, the Chamber had to use generators and have the power hooked up.

Mayor Hametner stated subject to the City Manager's approval, Mr. Longoria should meet with the City Manager regarding any assistance the City could provide

Council Member Attaway stated the church had provided insurance required by the City.

Mr. Longoria stated he did have security for the event and the ROTC would clean the grounds after the event and he had a letter of liability.

Mayor Pro Tempore Knight made the motion to grant Mr. Longoria's request for use of the Shrimporee grounds March 17, 2007. Council Member Attaway seconded the motion and the motion carried unanimously.

**ITEM 6.        CONSIDER AND ACT ON REQUEST OF MR. TOM WAGNER WITH THE TEXAS PARKS AND WILDLIFE PARKS DEPARTMENT TO LOCATE A DUMPSTER AT CONN BROWN HARBOR TO COLLECT ABANDONED CRAB TRAPS FROM THE CORPUS CHRISTI BAY AREA FEBRUARY 16-25, 2007**

Council Member Attaway made the motion to grant the request of Mr. Tom Wagner to locate a dumpster at the Conn Brown Harbor to collect abandoned crab traps from the Corpus Christi Bay area February 16 – 25, 2007. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 7.        DISCUSSION WITH MR. RICHARD GONZALES REGARDING RENAMING HIGHWAY 361, FROM CONN BROWN HARBOR, EAST TO THE FERRY LANDING.**

Mr. Richard Gonzales asked for the City Council's support and a resolution renaming Highway 361, from the Dale Miller Bridge east to the ferry landing. Mr. Gonzales also announced the annual trash parade would be held February 17, 2007 starting at 10:00

a.m. The details were on the bulletin board at the Bakery Cafe. He stated there was also a project to take a survey of who uses the boat ramp from April through May.

Mayor Hametner thanked Mr. Gonzales for his informative report and his service to the City. He stated the proposed resolution was "We the people of Aransas Pass, in order to improve ecotourism and more effectively promote a major natural resource of the community, do hereby request that Highway 361 be renamed Redfish Bay Causeway."

After discussion, Mayor Hametner stated the proposed resolution would be put on the next agenda for a formal Resolution.

**ITEM 8.**                    **CONSIDER AND ACT ON APPOINTING MEMBERS TO THE ED & HAZEL RICHMOND LIBRARY BOARD.**

After discussion and the counting of tally sheets used for voting for their applicant of choice, Council Member Attaway made the motion to reappoint Ms. Marsha Wellman and Ms. Paula Stone and appoint Ms. Elizabeth Roberts to the Ed & Hazel Richmond Public Library Board. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 9.**                    **CONSIDER AND ACT ON INTERIM CITY MANAGER INITIATING SEARCH AND ADVERTISING FOR A NEW CITY MANAGER.**

After discussion, Council Member Attaway made the motion to approve the City Manager initiating a search and advertising for a new City Manager. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 10.**                    **DISCUSSION ON AN ORDINANCE REQUIRING THE SCREENING OF STORAGE YARDS.**

Mayor Hametner read the proposed ordinance as follows:

*Section 1: Chapter 28, Article V of the Code of Ordinances is hereby amended by adding the following section.*

*Section 28-97 – Screening of Storage Yards*

*All wrecking, junk, salvage, auto, commercial trailer storage and other similar yards require an 8-foot privacy fence and lockable gate. All storage and work is to be carried out inside of the yard.*

*Section 2. This ordinance shall become effective immediately upon its passage and adoption.*

The City Inspector explained a yard screening ordinance would keep down theft and vandalism and would include tractor trailer parking and storage areas. He stated the ordinance had been adopted in other cities.

The City Manager stated there were places in town that store towed cars in and around their yards. He stated with a privacy fence, at least, the towed cars were out of the sight of the public.

Mayor Hametner asked the City Attorney if he could have an ordinance ready for the next agenda.

The City Attorney stated yes.

**ITEM 11.**                    **CONSIDER AND ACT ON:**

- (A) **CALL AND APPROVING ORDER OF GENERAL/SPECIAL ELECTION FOR THE CITY OF ARANSAS PASS TO ELECT MAYOR AND COUNCIL MEMBERS PLACE 1 AND PLACE 3 AND COUNCIL MEMBER PLACE 4 (SPECIAL ELECTION)**
- (B) **APPROVING NOTICE OF SPECIAL AND GENERAL ELECTION FOR MAY 12, 2007.**
- (C) **ORDINANCE 2007-3913 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS PROVIDING DATE AND TIME OF THE 2007 CITY GENERAL/SPECIAL ELECTION TO BE CONDUCTED BY THE SAN PATRICIO COUNTY ELECTION ADMINISTRATION OFFICE; FOR EARLY VOTES CAST ON DIRECT RECORDING ELECTRONIC (DRE) VOTING SYSTEM AND BY PAPER BALL, PROVIDING PLACE AND PRECINCT NUMBER WHERE ELECTION IS TO BE HELD, PROVIDING THE RATE OF PAY PER HOUR FOR JUDGES AND CLERKS, AND PROVIDING DATE AND TIME OF EARLY VOTING.**

Mayor Pro Tempore Knight made the motion to approve the Order of General/Special Election for the City of Aransas Pass to elect Mayor and Council Member Place 1, Council Member Place 3 and Council Member Place 4, to Approve Notice of Special and General Election for May 12, 2007, and approve Ordinance 2007-3913-An Ordinance of the City of Aransas Pass, Texas providing date and time of the 2007 City General/Special Election to be conducted by the San Patricio County Election Administration Office; for Early Votes cast on Direct Recording Electronic (DRE) Voting

System and by paper ballot providing place and precinct number where Election is to be held providing the rate of pay per hour for Judges and Clerks, and providing date and time of Early Voting. Council Member Attaway seconded the motion and the motion carried unanimously.

**ITEM 12. DISCUSSION REGARDING ADOPTION OF PROPOSED UPDATED FLOOD DAMAGE PREVENTION ORDINANCE.**

The City Manager stated the insurance companies due to the recent hurricanes are getting tougher and have gone to the State Legislature and want cities to impose this ordinance, which is tougher than the City's.

The City Inspector asked did the Council want to expend time and money to bring this Ordinance into conformity with the City Ordinance?

Council Member Attaway asked the City Inspector would it affect the public's ability to get insurance coverage if the City did not adopt the ordinance?

The City Inspector stated he did not know.

Mayor Hametner stated there was nothing in the ordinance that did not try to protect the public and there were good points in the ordinance.

**ITEM 13. CONSIDER AND ACT ON APPOINTING COUNCIL MEMBER JAY ATTAWAY TO REPLACE DOROTHY ROBERTS ON THE COASTAL BEND FOUNDATION BOARD AS THE CITY'S REPRESENTATIVE.**

Council Member Chapa asked would Council Member Attaway represent the Council?

Mayor Hametner stated basically, he would represent the City Council.

Council Member Chapa asked for the names of all the Directors on the Coastal Bend Foundation Board.

Mayor Hametner named the Directors.

Mayor Pro Tempore Knight made the motion to appoint Council Member Attaway to the Coastal Bend Foundation Board. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 14. CONSIDER AND ACT ON BIDS AND SELECTION OF THREE TRUCKS FOR THE PUBLIC WORKS DEPARTMENT.**

Mayor Hametner stated the only Commercial Motors submitted a bid for one 2007 Ford F150 regular cab truck for \$17,635.20, one 2007 Ford F150 extended cab truck for \$20,075.20, and one 2007 Ford 350 regular cab and chassis for \$20,725.27 and all trucks included a 100,000 mile warranty.

Mayor Pro Tempore Knight stated he would recuse himself from discussion, other than a question. He stated he had a question during budget time about the necessity of a Ford F-350 truck.

Public Works Director, Darren Gurley stated the F350 truck would be used at the Wastewater Treatment Plant. A flatbed with a crane would be installed on the truck and it would be used to pull pumps, which could be done with one man. In the past it took a crew and a backhoe to pull pumps.

Council Member Chapa made the motion to accept the bid of Commercial Motors. Council Member Attaway seconded the motion and the motion carried 4 to 0 with Mayor Pro Tempore Knight abstaining from the vote.

**ITEM 15. DISCUSSION REGARDING THE MAYOR'S ADVISORY COUNCIL.**

Council Member Abrego stated she knew, in the past, there had been a Mayor's Advisory Council that was composed of business owners and private citizens and was to be a committee that would pose different ideas to the Mayor and Council. The committee was to observe needs in the City the Mayor and City Manager on recommendations. Formerly different ideas were brought to the Council by the committee but were never acted upon and the committee died out. She stated the reason she thought the committee was a good idea. Citizens have good ideas and should come to the Council, who may not have the time or money to do the research on their ideas. The committee could work side by side with the City Manager, the Council and the Mayor to come up with ideas to improve the City. It would be up to the Council to act or not to act upon those ideas.

Mayor Hametner stated the Council could call for applications, but needed to decide if the committee was needed. He stated the Council was getting enough input now, so the Council probably did not need five or six people to spend their time telling the Council what they already knew.

The City Manager stated he would like to work with Council Member Abrego to reactivate the committee. He stated help was needed with the City's parks.

Mayor Hametner told Council Member Abrego maybe she could recommend the number of members the committee should have.

**ITEM 16.**      **CONSIDER AND ACT ON OVER-65 TAX FREEZE.**

The City Manager stated the Finance Director had done an analysis on a proposed over-65 tax freeze and he had spoken with the city managers in Rockport and Portland. Both city managers said the over-65 tax freeze did not seem to hurt the city as they had made up the difference in revenues in other ways. He stated he did not know if the over-65 tax freeze would hurt or help, but personally, if he were a senior citizen he would rather have a \$25,000 homestead exemption than the tax freeze. He stated it would not make much difference in the City's budget.

Mayor Hametner stated the over-65 tax freeze would certainly be a benefit to the citizens.

Council Member Chapa asked how many over-65 seniors did the City have?

The City Manager stated there were 610 over-65 seniors with a net property value of \$57,522,728.00 and the revenues were \$352,286.00 for 2006. In 2008 the City would not be creating \$24,660.00 in tax revenue. He stated in 2017 when the loss is \$340,713.00, he would hope the City would have grown enough and raised revenues that the loss would not make a difference. On the first year, the City may gain by enticing other seniors move to the City to benefit from the over-65 tax freeze.

Council Member Chapa stated she had gone to the appraisal district and pulled 150 (over-65) property market values that ranged from a low of \$14,000.00 to \$1M and there were about 77 property owners that had homes valued above \$100,000.00 and some had multiple properties. She stated she had an issue with the seniors that could afford their property taxes (having an over-65 tax freeze), and then there are those that have hardships and the disabled. She stated she would like the Council to think about that.

Council Member Attaway stated multiple properties would not be affected by the over-65 tax freeze, only homesteads.

Council Member Chapa stated a tax freeze should be based on hardship, not based on age.

Mayor Pro Tempore Knight stated State law would not give the Council that luxury (the ability to base a tax freeze on hardship).

Council Member Chapa stated she thought the State's intention was to help the elderly that had trouble paying their bills, that could not afford high-dollar homes.

Mayor Pro Tempore Knight stated that was his intention also but the other home owners could not be excluded.

The City Manager stated he did not see how the hardships could be separated from the other over-65 property owners.

Mayor Pro Tempore Knight stated they cannot be separated, the law would not allow it.

Council Member Attaway stated the over-65 seniors would not stop paying taxes. The school district has had an over-65 tax freeze for many years.

The City Manager stated people think the City is freezing the taxes and the value of the real estate, but neither is happening. The over-65 tax freeze is more like a ceiling on the tax that is paid. The tax paid will never go above the amount it is frozen at, but could go down if the value goes down.

Council Member Attaway stated when a person with the tax freeze passes away and the property is sold, the tax freeze goes away. Even if the property is sold to someone eligible for the tax freeze that person would have the tax freeze at the appraisal value of the property at the time the new owner bought it.

Mayor Pro Tempore Knight stated he thought if a petition for the over-65 tax freeze was passed around, it would probably prevail and cost the City for an election.

Mayor Hametner asked the City Attorney how long would it take to prepare the ordinance?

The City Attorney stated about two weeks.

Mayor Pro Tempore Knight made the motion to approve the Over-65 Tax Freeze. Council Member Abrego seconded the motion and the motion passed 4 to 1 with Mayor

Hametner, Mayor Pro Tempore Knight, Council Members Attaway and Abrego voting yes and Council Member Chapa voting no.

**ITEM 17. DISCUSSION REGARDING CONN BROWN HARBOR.**

Mayor Hametner stated he had an idea regarding the development of Conn Brown Harbor. He stated the City should look at the west side of the harbor, once clear of the lawsuit with APDG, and start development of the west side of the harbor and set aside the peninsula for a period of time while developing the west side. This would give the community time to decide what they want to do with the peninsula, how much to set aside for any particular reason (i.e. parks and other public use). He stated the Council should start talking about purchasing the land the General Land Office (GLO) says they own that is part of the peninsula and how the purchase could be funded.

Mayor Pro Tempore stated the State might finance the City's purchase of the GLO property.

Council Member Attaway stated his position had always been to maintain the industrial base on the east side of the harbor and possibly add to it. If there is development on the west side of the harbor, that would encourage development behind the seawall.

Mayor Hametner stated part of developing the seawall is putting a road behind it for access. He stated it would probably take five to six years to develop the west side of the harbor. The top of the seawall is already developed on the south side of Highway 361 and that had not raised any great issues and had provided some very valuable property for the City's tax base.

Mayor Hametner stated he had talked to developers from San Antonio who were interested in development on the west side of the harbor.

**ITEM 18. CITY MANAGER'S REPORT.**

The City Manager stated the Council was given a financial statement and now had the General Fund balance sheet. If the Council would like to discuss the statements, he and the Financial Director would be available.

**ITEM 19. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Recessed into Executive Session in Municipal Court at 8:03 p.m.

A. **SECTION 551.074 DELIBERATION REGARDING REAL PROPERTY – CONN BROWN HARBOR REGARDING NEGOTIATIONS WITH THE GENERAL LAND OFFICE.**

B. **SECTION 551.074 PERSONNEL MATTERS – MUNICIPAL COURT JUDGES.**

**ITEM 20. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Reconvened into Open Session at 8:49 p.m.

A. **SECTION 551.074 DELIBERATION REGARDING REAL PROPERTY – CONN BROWN HARBOR REGARDING NEGOTIATIONS WITH THE GENERAL LAND OFFICE.**

Council Member Abrego made the motion to authorized the City to continue negotiations regarding Conn Brown Harbor with the General Land Office. Council Member Attaway seconded the motion and the motion carried unanimously.

B. **SECTION 551.074 PERSONNEL MATTERS – MUNICIPAL COURT JUDGES.**

Council Member Chapa made the motion to replace Judge Peggy Spencer with Judge Donna Cox effective immediately and that Judge Cox be Interim Municipal Judge for six months. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

**ITEM 21. ADJOURNMENT OF MEETING.**

Council Member Attaway made the motion to adjourn the meeting. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

Mayor Hametner adjourned the meeting at 8:35 p.m.

ATTEST:

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Frank C. Hametner, Mayor

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Ada Owens, City Secretary